



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE OCTOBER 21, 2020 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 21, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Chief Tom Kelly, Apache Junction Police Department
Colonel Heston Silbert, AZ Department of Public Safety

Members Present (via online video/telephone conferencing):

Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Ms. Jamie Kelly, Public Member
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Ms. Leesa B. Weisz, Public Member

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office
Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Chief Alan Rodbell, Scottsdale Police Department

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ron Bayne, Training Specialist
Dan Ciernia, Digital Media Supervisor
Arlene Heckel, Compliance Specialist
Darcy Nichols, Training Specialist
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist

Mike Deltenre, Compliance Specialist

Steve Jacobs, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl (in person)

Jennifer LaRoque (in person)

A. Call to Order

Acting Chairman Silbert called the meeting to order at 10:02 a.m. and asked Chief Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Nine Board members are present today, three are here in person and six are participating via telephone/video conferencing. Sheriff Mark Dannels, Chief Alan Rodbell and Sheriff Scott Mascher are absent.
- We recently added a new staff member. Darcy Nichols, a retired sergeant with the Scottsdale Police Department and administrator with the City of Scottsdale, joins our Training Team. She will be working alongside Ron Bayne in coordinating the Basic and Advanced Leadership Programs. We are very excited to have her onboard.

C. Executive Director's Report

Matt Giordano, Executive Director

- Even though we anticipated a steep decline in CJEF funds, we have not seen that happen. We are still meeting our budget expectations and we are hoping this will continue through fiscal year 2021.
- The Basic Leadership Program began its first class this week. The class began online with 35 attendees. After completing the online program, attendees will attend a one week in-person class at AZPOST. The second class is scheduled to begin the last week of February 2021. The new Executive Leadership Program will begin during the first quarter of 2021.
- In conjunction with AAPAC and Adult Protective Services, we hosted a 3-hour virtual training session on Vulnerable Adult Training. The training was livestreamed for viewing statewide and just shy of 100 participants watched this training. This is the first time we've offered a course for both attorneys and peace officers at the same time. Participants will receive 3 hours of continuing training credit for this class.
- The Governor's Regulatory Review Council (GRRC) approved all the changes to our statutes that the Board approved last summer. There is a 60-day waiting period for some of the rule changes to take effect, so those will take effect the first part of December. The majority and bulk of what we were looking for, the minimum qualifications, have a 6-month waiting period, so those will go into effect in April 2021. We have notified all the background investigators and hiring managers. It is very exciting to close this chapter and anticipate when the waiting period is over.
- The Job Task Analysis (JTA) was commissioned in 2018 in order to fully understand what the basic needs are of a brand new peace officer. As a result of the JTA, we were given

several recommendations for training. Unfortunately, this was placed on the back burner for a while until Mandy Faust became the Training Manager. Once Mandy was assigned this task, she quickly jumped in with both feet worked on this; along with her team. I am happy to say that next month we will be presenting the final findings of the JTA and how we are going to move forward based on the recommendations provided. I am very excited this is concluding, it took longer than expected, but once Mandy got involved it really moved along very quickly. I owe her a debt of gratitude.

- The digital Personal History Form (PH) is getting ready to go live. There are three agencies currently using the form and they are providing good feedback to Dan Wilson, our Chief Technology Officer. Over the last week and half, Dan and the Compliance Specialists have hosted virtual training sessions with every agency in the state. They have conducted two classes per day for six days and they have had 40-80 people per class. The new form is a complete deviation from how we have done things in the past and now we will be the keeper of that record. We are hopeful that once every agency is using this new form, we will no longer have cases of people submitting multiple PH Forms and then coming before the Board because they falsified information.

Mr. Johnson (AAG) raised a question regarding information distributed by AZPOST, via email, to other agencies; a discussion started to follow. Assistant Attorney General Mark Brachtel, counsel for AZPOST, stated this item was not on today’s agenda. He recommended that it would be best to place on a future agenda for more in-depth discussion.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Chief Kelly and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on September 16, 2020.

2. Certification Waivers:

Jeffrey P. DeBellevue	Apache Junction Police Department
Skylar S. Mathis	Tucson Police Department
Kerry M. Comphele	Gilbert Police Department
Jonathan L. Borkman	Sahuarita Police Department
Max B. Farren	Payson Police Department
Austin J. McAvoy	Chino Valley Police Department
Dustin E. Shear	Colorado City Marshal's Office
David P. Wilkinson	Colorado City Marshal's Office

3. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Benjamin W. Baltzell	20-023	Phoenix Police Department
David A. Perez	20-021	Phoenix Police Department
Richard A. Roth	20-090	University of AZ Police Department
Nathan J. Holliday	20-069	Pinetop-Lakeside Police Department
Martin Espinoza	19-229	Yuma Police Department
Dhanelle R. DeClay	19-005	Miami Police Department

E. Review, Discussion and Possible Action on a Superior Police Department Petition for a waiver pursuant to A.A.C. R13-4-105(D) for Applicant Jessica Brown

Assistant Attorney General Mark Brachtl addressed the Board regarding the Superior Police Department petition for waiver pursuant to A.A.C. R13-4-105(D) for Applicant Jessica Brown. Applicant Brown consumed Strattera (a prescription drug, but does not contain ingredients which classifies it as either a dangerous drug or narcotic) over twelve years ago, when she was 14 years old. Chief Frank Alanis, Superior Police Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion that based upon the information submitted by the Superior Police Department, and pursuant to Rule 13-4-105(D), the Board grant the request for waiver for Applicant Jessica Brown. The motion was seconded by Chief Kelly and passed unanimously.

F. Review, Discussion and Possible Action on an Avondale Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Gabriella Machuca

Assistant Attorney General Mark Brachtl addressed the Board regarding the Avondale Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Gabriella Machuca. Applicant Machuca used a vape pen to smoke marijuana oil twice, over four years ago, when she was in high school. Assistant Chief Louis Tovar, Avondale Police Department, addressed the Board to request that the petition be granted.

Captain Bischoff made a motion that based upon the information submitted by the Avondale Police Department, and pursuant to Rule 13-4-103(G), the Board grant the request for waiver for Applicant Gabriella Machuca. The motion was seconded by Chief Kelly and passed unanimously.

G. Final Action Cases:

1. 19-090 – Omar Villacorta – AZ Department of Transportation - ECD
Colonel Silbert and Mr. Johnson (AAG) recused themselves from this case. Chief Kelly was acting Chairman. The Board considered comments from Assistant Attorney General Jennifer LaRoque; who provided a brief overview of the case and the Motion for Reconsideration.

Captain Bischoff made a motion to grant the State’s Motion for Reconsideration and dismiss the November 20, 2019, Complaint. The motion was seconded by Deputy Director Profiri and passed unanimously.

H. New Charging Cases:

1. 20-045 – Martin Guerrero – Scottsdale Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Kelly made a motion to Initiate Proceedings to deny peace officer certification to Mr. Guerrero. The motion was seconded by Captain Bischoff and passed unanimously.

2. 19-233 – Daniel Carbajal – Page Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Silbert made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Chief Kelly and passed unanimously.

3. 19-089 – Christopher Q. Meyer – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case; a short video was also presented. Ms. Weisz made a motion to Initiate Proceedings against Mr. Meyer’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

4. 20-031 – Carl Ramirez – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Captain Bischoff made a motion to Initiate Proceedings against Mr. Ramirez’s peace officer certification. The motion was seconded by Deputy Director Profiri and passed unanimously.

5. 19-228 – Marcos R. Rodriguez – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Tom Kelly made a motion to Initiate Proceedings against Mr. Rodriguez’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

6. 20-136 – Michael R. Carleton – Tempe Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Captain Bischoff made a motion to Initiate Proceedings against Mr. Carleton’s peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.

7. 20-126 – Matthew M. Nunemacher – Tempe Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Tom Kelly made a motion to Initiate Proceedings against Mr. Nunemacher's peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

I. Future Agenda Items

Executive Director Giordano stated he would discuss Mr. Johnson's (AAG) request with the Board Chairman to determine if the Chairman would like to place this on a future agenda.

J. Adjournment

The meeting was adjourned at 11:12 a.m.